

## Panama Canal Regulations

## § 253.77

### § 253.73 Tenure.

(a) *Preservation of tenure.* Neither a conversion action, nor a recommendation for conversion, shall serve to reduce an employee's retention standing for reduction-in-force purposes.

(b) *Tenure following recommendation.* Upon submission of a recommendation for conversion, the nominee's retention standing for reduction in force is in Retention Group I if he is already in that group or if he meets the service requirement for a Canal Area Career Appointment; otherwise, his retention standing is in Tenure Group II.

(1) An employee reverts to his previous tenure group if the recommendation is returned without final action, and remains in this group until such time as the recommendation is resubmitted.

(2) Irrespective of his previous retention standing, an employee is placed in Tenure Group III if the PAPB disapproves the recommendation for conversion.

(c) *Tenure following conversion.* Conversion will be to Canal Area Career Appointment if the employee meets the service requirement for such appointment; otherwise, conversion will be to Canal Area Career-Conditional Appointment. However, retention standing for reduction-in-force purposes will be governed by paragraph (a) of this section. All conversions will be subject to satisfactory completion of a one-year probationary period if such probation has not been completed prior to the time of conversion.

### § 253.74 Acquisition of merit status.

An employee who is converted under this subpart acquires a merit status upon completion of any required probationary period.

### § 253.75 Employees not recommended for conversion.

(a) Employees who are not recommended for conversion, or whose conversion is disapproved, will be retained in status quo and placed in Tenure Group III until separated or until they receive a competitive appointment.

(b) Employees retained in status quo may be noncompetitively changed to other positions upon meeting the re-

quirements established pursuant to § 253.46(a) for the noncompetitive movement of employees serving under temporary appointments.

(c) Employees retained in status quo are subject to displacement by eligibles on registers.

(d) Employees serving under temporary appointments on the date their positions are made subject to Subpart B of this part will be considered as having been converted to a temporary appointment under § 253.43 and may be retained until expiration of their current appointments.

## Subpart D—Conversion From Excluded and Temporary Appointments to Canal Area Career or Career-Conditional Appointments

### § 253.76 Eligibility.

A temporary employee may be converted to a Canal Area Career or Career-Conditional Appointment provided:

(a) He rendered at least one year of satisfactory continuous service with the agency in which he is to be converted and the service immediately preceded the conversion;

(b) The conversion is to a position in the same wage category as that held by the employee prior to the conversion;

(c) The conversion is to either:

(1) A manual category position at any grade from MG-1 to MG-9 and the employee to be converted ranks among the top 50% of the register of eligibles or;

(2) A non-manual category position filled from a pre-rated inventory at any grade from NM-1 to NM-5 provided the employee to be converted ranks among the top 25% of the register of eligibles;

(d) There is no United States citizen within reach in accordance with the rule of three, and no preference eligible would be passed over; and

(e) The employee is not a United States citizen.

[56 FR 1924, Jan. 18, 1991]

### § 253.77 Procedure.

The employing agency shall obtain approval from the Central Examining Office prior to converting temporary

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employees to Canal Area Career or Career-Conditional Appointments. Employees converted under this subpart will be treated as if they had been appointed from a register as provided in § 253.42.

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### **Subpart E—Performance Rating**

#### **§ 253.181 Rating system.**

Employing agencies shall establish a performance rating system for employees generally patterned after the Office of Personnel Management guidelines.

### **Subpart F—Training**

#### **§ 253.201 Training programs.**

Agencies shall, in accordance with any obligation established by the Panama Canal Treaty or the agreements in implementation thereof, establish training programs for Panamanian employees and apprentices in order to increase the number of Panamanian nationals qualified to assume positions as positions become available. Except as provided in the said treaty and agreement, there shall be no discrimination on the basis of citizenship with regard to training.

### **Subpart G—Military Service**

#### **§ 253.221 Rights of employees.**

The rights of employees called to active military duty in the Armed Forces of the United States will be determined in accordance with 5 CFR Part 353.

### **Subpart H—Adverse Personnel and Reduction-in-Force Actions**

#### **§ 253.241 Applicability of existing law and civil service regulations.**

(a) The provisions of 5 U.S.C. 7501 are applicable to the removal or suspension of those employees to whom such provisions were applicable immediately prior to January 19, 1959.

(b) The provisions of 5 CFR Part 752, and Title 5, United States Code, pertaining to adverse actions, are applicable to preference eligibles to the extent and in the manner specified therein.

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(c) The provisions of 5 CFR Part 351 and Title 5, United States Code, pertaining to reductions in force, are applicable to all reduction-in-force actions.

(d) The provisions of 5 U.S. Code, section 5596 shall be applicable to any person whose removal or suspension under an agency's system established by § 253.262 is determined to have been unjustified or unwarranted after review in accordance with procedures of the employing agency.

#### **§ 253.242 Probationary employees.**

Any employee serving a probationary period shall be given a full and fair trial in the duties of the position in which appointed. If the performance of his duties or his conduct during the probationary period is not satisfactory to the employing agency, his services may be terminated by notifying him in writing of the reasons for his separation and of its effective date. An employee's services may also be terminated during the probationary period for reasons based in whole or in part on conditions arising prior to his appointment. The employing agency shall notify him in writing of the reasons for his separation and its effective date.

### **Subpart I—Grievances and Appeals**

#### **§ 253.261 Grievance procedures.**

Each employing agency shall make available to employees a grievance procedure established by the agency, except as may be otherwise provided by a negotiated grievance procedure.

#### **§ 253.262 Adverse actions and appeals.**

Each agency shall establish an adverse action and appeals system under which the provisions of 5 CFR Part 752, are administratively extended to employees in categories corresponding to those in the U.S. competitive service to which that part applies. Appeals to the Merit Systems Protection Board shall not, however, be so extended by such administrative action.

#### **§ 253.263 Appeals from applicants or eligibles.**

Applicants and eligibles who have reason to believe that the regulations